




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

February 27, 2023

MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland
Administrator, NMFS Alaska Region 

SUBJECT: Second Status Report on the Development of a Salmon FMP
Amendment to Address Cook Inlet

By order dated November 28, 2022, the United States District Court for the District of Alaska required the National Marine Fisheries Service (NMFS) to file a status report every 45 days discussing its progress in the preparation of a new Salmon Fishery Management Plan (FMP) amendment, as well as any pertinent information relating to the management of the Cook Inlet salmon fishery for the 2023 fishing season. This memorandum serves as the second status report.

Consistent with NMFS's proposed schedule to implement a new FMP amendment by May 2024 and as stated in the first status report, at the December 2022 meeting of the North Pacific Fishery Management Council (Council), NMFS proffered a motion to release the analysis for a new Salmon FMP amendment for public review in anticipation of final action at the April 2023 Council meeting. The motion, which the Council adopted unanimously, requested inclusion of four management alternatives in the final analysis, but acknowledged that two of the alternatives—taking no action and closing the Cook Inlet exclusive economic zone (EEZ) to commercial salmon fishing—are not viable in light of decisions from the Ninth Circuit and the District of Alaska. These two alternatives remain in the document solely for analysis and comparison.

The Council did not select a preliminary preferred alternative at the December Council meeting, and could choose from two viable management approaches at its April 2023 meeting: federal management of the fishery in the EEZ with specific management measures delegated to the State of Alaska (State) through the FMP, or federal management of the fishery in the EEZ with no management measures delegated to the State. Each of these alternatives includes several options for establishing annual management measures and would include measures for managing the recreational fishery in the Cook Inlet EEZ. Since the December Council meeting, NMFS and Council staff have worked on analyzing the potential impacts of the various management

alternatives and options, with the intention of posting this analysis for public review in March 2023. In addition, the Council's Scientific and Statistical Committee will review the same analysis at its April 2023 meeting. The Council is scheduled to take final action at its upcoming April meeting, held April 6-11, 2023. In the unlikely event the Council does not take action at its April meeting, NMFS will begin the process of developing a Secretarial amendment under the Magnuson-Stevens Act.

In accepting the previous status report, the Court ordered NMFS to affirmatively address whether there is any information pertinent to the 2023 fishing season that is different from that which was discussed in the Federal Defendants' Remedy Brief. In the absence of federal regulations governing the Cook Inlet EEZ salmon fishery in 2023, the State may continue to regulate State-permitted vessels pursuant to 16 U.S.C. § 1856(a)(3)(A). NMFS contacted the State and asked how it anticipated managing the Cook Inlet EEZ in 2023. The State indicated that it plans to manage the commercial salmon fishery in the Cook Inlet EEZ as an extension of its State water drift gillnet salmon fishery, and recreational fishing will be subject to the same total daily bag limits across State and Federal waters. In short, State management of the EEZ is expected to be the same as in 2022, as described in Federal Defendants' Remedy Brief.